

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

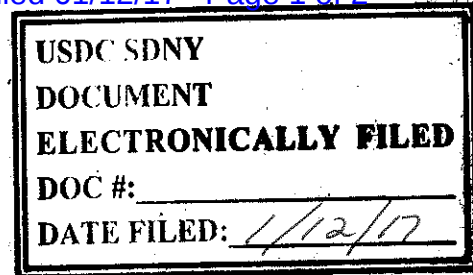
ESMERALDO ACOSTA,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.



17-CV-0132 (PKC)

15-CR-0592-01 (PKC)

ORDER TO ANSWER, 28 U.S.C. § 2255

P. KEVIN CASTEL, United States District Judge:

The Court, having concluded that the motion brought under 28 U.S.C. § 2255 should not be summarily dismissed as being without merit, hereby ORDERS that:

The Clerk of Court shall notify the Criminal Division of the U.S. Attorney's Office for the Southern District of New York that this order has been issued.

Within sixty days of the date of this order, the U.S. Attorney's Office shall file an answer or other pleadings in response to the motion. Movant shall have thirty days from the date on which Movant is served with Respondent's answer to file a response. Absent further order, the motion will be considered fully submitted as of that date.

All further papers filed or submitted for filing must include the criminal docket number and will be docketed in the criminal case.

Because Movant is not required to pay a filing fee for a § 2255 Motion, *see* Rule 3 of the Rules Governing Section 2255 Proceedings for the United States District Courts Advisory

Committee's Note; *see also Liriano v. United States*, 95 F.3d 119, 123 (2d Cir. 1996), the Clerk of Court is directed to terminate Movant's request to proceed without prepayment of fees.

SO ORDERED.

Dated: January 11, 2017
New York, New York



P. KEVIN CASTEL
United States District Judge